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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,461	11/10/2003	Shinichi Shinohara	SHX 318A	5739
23581	7590	03/13/2006	EXAMINER	
KOLISCH HARTWELL, P.C. 200 PACIFIC BUILDING 520 SW YAMHILL STREET PORTLAND, OR 97204			GOFF II, JOHN L	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/705,461

Applicant(s)

SHINOHARA ET AL.

Examiner

John L. Goff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/778,232.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to the amendment filed on 12/19/05.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 103***

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1-3 and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka et al. (JP 10-312591 and see also the abstract and machine translation) in view of Head et al. (EP 235539).

Otsuka et al. disclose an apparatus for bonding two optical disc substrates together. Otsuka et al. teach the apparatus comprises a lower mounting support capable of mounting an optical disc substrate and capable of spinning, an upper mounting support opposed to the lower mounting support capable of mounting an optical disc substrate, an adhesive-supplying nozzle perpendicular to the lower mounting support with its tip pointing downward capable of

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supplying a ring shaped adhesive liquid film and/or a dot-shaped adhesive liquid film onto an optical disc substrate, and a lifting member capable of moving the upper mounting support toward the lower mounting support (Figure 1 and Paragraphs 16-20). Otsuka et al. are silent as to the apparatus including an adhesive-supplying nozzle which cooperates with an electrode and an electric power supply. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use as the adhesive-supplying nozzle in Otsuka et al. the adhesive-supplying nozzle including cooperating pattern electrode and electric power supply taught by Head et al. such that the adhesive is applied to the disc substrates using a fast spray application process with the accuracy of a contact application process due to the electrode disposed below the optical disc substrate having the shape of the desired pattern to be formed, e.g. ring-shaped electrode.

Head et al. disclose an apparatus for applying an adhesive to a substrate wherein the apparatus has the speed of a spray application process and the accuracy of a contact application process. Head et al. teach the apparatus comprises a substrate support surface, an electrode below and in the vicinity of the substrate support surface wherein the electrode has the shape of the desired adhesive pattern to be formed, a single adhesive-supplying nozzle or a plurality of adhesive-supplying nozzles (e.g. separated by 180 degrees which is uniform spacing in a circular shape) nearly perpendicular to the substrate support surface with the tips of the nozzles pointing downward wherein each adhesive-supplying nozzle is mounted on a movable arm, e.g. capable of rotating the nozzle, and the adhesive-supplying nozzle is capable of applying a ring-shaped adhesive liquid film and/or a dot-shaped adhesive liquid film, and an electric power supply capable of generating an electric field between the electrode and adhesive-supplying nozzle

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(Figures 1-3 and Column 1, lines 48-55 and Column 2, lines 12-14 and 29-35 and Column 6, lines 20-23 and Column 7, lines 43-47 and Column 8, lines 20-52 and Column 14, lines 27-41).

Regarding the limitations in the claims directed to the material worked upon, i.e. the disc substrates and the adhesive, it is noted the material worked upon is of no significance in determining the patentability of the apparatus claimed. (See MPEP 2115).

Regarding the limitations in the claims directed to functional language, i.e. the supplying of an adhesive, the generating of an electric field, the joining of two optical disc substrates, the rotating/spinning of the optical discs, the application of a dot-shaped adhesive, the application of a liquid adhesive including a tapered end, and the rotating of the adhesive-supplying nozzle, it is noted a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus if the prior art apparatus teaches all the structural limitations of the claim (See MPEP 2114). The structural limitations disclosed by Otsuka et al. as modified by Head et al. (discussed above) meet the claimed structural limitations of the claims, and as such the apparatus disclosed by Otsuka et al. as modified by Head et al. is capable of performing the functional limitations.

Regarding claim 13, Otsuka et al. and Head et al. do not specifically teach a lifting member capable of moving the lower mounting support, it being noted Otsuka et al. teach a lifting member capable of moving the upper mounting support. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify Otsuka et al. as modified by Head et al. to alternatively include a functionally equivalent lifting member on the lower mounting support for moving the optical discs together as would have been well known in the art as only the expected results would be achieved.

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5. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka et al. and Head et al. as applied to claims 1-3 and 10-16 above, and further in view of Morley (U.S. Patent 4,724,296).

Otsuka et al. and Head et al. teach all of the limitations in claims 4-9 except for a specific teaching of the electric power supply generating alternating or direct current. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the electric power supply in Otsuka et al. as modified by Head et al. to generate one of alternating or direct current as was well known and conventional for electric power supplies of this type as shown for example by Morley as only the expected results would be achieved.

Morley is exemplary of forming an electric field including an electrode and electric power supply wherein the electric power supply supplies alternating or direct current (Column 1, lines 37-46).

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection. In view of applicants amendment the previous rejections over Naka et al. (U.S. Patent 5,935,331) and Yamaguchi et al. (U.S. Patent 6,494,987) and the previous double patenting rejections over Yamaguchi et al. are withdrawn.

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*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **(571) 272-1216**. The examiner can normally be reached on M-F (7:15 AM - 3:45 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John L. Goff



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